

# EXHIBIT A

**"FORMER FIFTH"**

81-01-30

SUBJECT														CROSS APPEAL NO.	CASE NUMBER OF 435	
CRIM.	PRIS. w/	PRIS. w/out	2255 w/	2255 w/out	SOC. SEC.	NLRB	P.C. DIV.	P.C. FED.	U.S. CIV.	TAX COURT	BKCY	Om Agcy Review	CIVIL RIGHTS	TAX D.C.	SCHOOL	CROSS APPEAL
													XX			

**81-7363**

CIRCUIT 5 APPEAL FROM Northern DISTRICT OF Georgia AT Atlanta  
DATE DOCKETED 81-04-29 \$65 FEE PAID paid COA JUDGE Richard C. Freeman  
DATE NOTICE OF APPEAL FILED 81-04-29  
D.C. DOCKET NUMBER C81-199A

ELIZABETH B. DUNCAN, ET AL.,

Plaintiffs - Appellees,

versus

3/2/81  
DAVID B. POYTHRESS, ET AL.,

Defendants - Appellants.

APPEARANCE FILED-DATE	CODE	ATTORNEYS FOR APPELLANT	ARG
5-7-81	✓	ARTHUR K. BOLTON, Attorney General, 132 State Judicial Building,	
5-7-81	X	Michael J. Bowers Asst 404-573-0100 Atlanta, GA 30334	✓
5-6-81	X	Patrick W. McKee	
		Don A. Langham	
		Robert S. Stubbs, II	
6-1-81	X	Hamilton Lokey, 2500 Tower Pl., 3340 Peachtree Rd., N.E., Atlanta, GA. 30026 266-2275	✓
<b>CLOSED</b>			
APPEARANCE FILED-DATE	CODE	ATTORNEYS FOR APPELLEE	ARG
		KATHLEEN KESSLER, 4064 Chippewa Place, NE, Atlanta, GA 30319 404 457-8354	
5-27-81	X	WILLIAM F. RUCKER, 1400 Bank of South Building, 55 Marietta Street, Atlanta, GA 30303 404-373-3331	
5-27-81	✓	WILLIAM B. HOLLBERG, 1750 Peachtree Street, NW, Suite 279, Atlanta, GA 404-874-9777 30309	✓



**"FORMER FIFTH"**

TITLE: DUNCAN, et al, versus POYTHRESS, et al.

NO. **81-7363**

**1. RECORD, EXHIBITS AND BRIEF INFORMATION**

Filing:

5-20-81 Partial Record or Cert. List  
Record on Appeal 72.00 5/15 No. of Vols. 4  
Supp. Record No. of Vols. \_\_\_\_\_  
Second Supp. Record No. of Vols. \_\_\_\_\_  
Exhibits ☐ Env. ☐ Box ☐ Pkg. ☐ Roll  
Appendix ☐ (P) ☐ (M)  
Former Appeal Record  
Administrative Transcript  
Briefing Notice Issd. 5-21-81  
5-22-81 Brief for Appellant CE 6-30-81  
Brief for Appellant \_\_\_\_\_  
6-2-81 Brief for Cr. Appellant \_\_\_\_\_  
Brief for Appellee CE 6-3-81  
Brief for Appellee \_\_\_\_\_  
6-9-81 Brief for Cr. Appellee \_\_\_\_\_  
Reply Brief for Appellant (CE)  
6-29-81 Supp. Brief for Appellant \_\_\_\_\_  
Supp. Brief for Appellee S (CE)  
Brief for Amicus \_\_\_\_\_  
Intervenor \_\_\_\_\_  
Rule 13(a) Certificate \_\_\_\_\_  
5-22-81 Record Excerpts CE  
7-1-81 Supp. Auth. (Appellant) CE

**4. EXTENSION** Flg. Motion for:

Order Fld.

Ext. to:

Record, Trans.  
Appendix  
Appellant's Brief  
Appellant's Brief  
Appellant's Brief  
Appellee's Brief  
Appellee's Brief  
Appellee's Brief  
Reply Brief

**5. CALENDAR INFORMATION**

Rule 18 Notice Issued \_\_\_\_\_

Summary Panel:

5/13/81 Case Assigned for 6/25/81 in  
☐ EB ☐ W ☐ E ☒ Attorte  
Case Cont'd for Reassignment (rm. 318)  
Case Reassigned for \_\_\_\_\_ in  
☐ EB ☐ W ☐ E

Hearing Panel:

6-25-81 Case Argued ☒ by Appellant ☒ by Appellee  
Case Sub. w/o Arg. ☐ by Appellant ☐ by Appellee

**6. OPINION INFORMATION**

9-28-81 Opinion Rendered  
☒ Just Affirmed ☐  
☐ Reversed  
☐ Afid. in Pt. ☐ P.C. ☐ Conc. Spec.  
☐ Vacated ☒ Signed ☐ Dis.  
☐ Dismissed ☐ Rule 21 ☐ Dis. in Pt.

Opinion Withdrawn \_\_\_\_\_

**7. REHEARING INFORMATION**

Mot. for Ext. - Ext. to: \_\_\_\_\_

Mot. for Ext. - Ext. to: \_\_\_\_\_

10-9-81 Petition for Rehearing (M) (J)  
☒ Appellants ☐ Appellee ☒ Reg. ☒ Suggestion En Banc

Petition for Rehearing \_\_\_\_\_

☐ Appellant ☐ Appellee ☐ Reg. ☐ En Banc

Response of \_\_\_\_\_

11-18-81 Order Denying Rehearing  
☐ Dissenting

☐ Opinion S9

☐ Order on Petition for Rehearing S9

**2. MISCELLANEOUS FILINGS**

Filing:

04-29-81 Dup. Notice of Appeal and Clerk's  
Statement of Docket Entries  
Papers Trans. from Misc. No. \_\_\_\_\_  
Order of DC Ext. Time to File Record  
to \_\_\_\_\_  
Order of DC Granting Appeal IFP  
Order of DC Appointing Counsel  
Affidavit of Financial Status  
CJA 20 Issd./Voucher Recd. \_\_\_\_\_  
Notice of Election Rule 30(c)  
Appellant's Designation  
Appellee's Designation  
Designation \_\_\_\_\_  
Order to Show Cause - \_\_\_\_\_  
Local Rule 9(b) Dismissal Order  
CJA 21 for Transcript

**3. AGENCY REVIEW CASES**

Filing:

Petition for Review of Order ( ) of  
☐ NLRB ☐ FPC ☐  
Application for Enforcement - NLRB  
Answer to Application for Enforcement  
Cross Application for Enforcement



NO 81-7363

## 8. MOTIONS

Filing Motion to or for:	Response Filed By	Date	Granted	Denied	By		Date
					Court	Clerk	
Mandamus							
Docket Appeal Out of Time							
Reinstate Appeal							
Stay Further Proceedings in CA							
4/29/81 Stay Pending Appeal <i>appellants</i>							4/30/81
Injunction Pending Appeal							
Consolidate Appeals							
Leave to Appeal IFP							
Bail Pending Appeal							
Withdraw as Counsel							
Appointment of Counsel							
Leave to File Supp. Record							
Hearing on Original Record							
Hearing on Orig. Rec. & Typed Brief							
Leave to File Typed Brief							
Leave to File Brief in Excess Pgs.							
Dismiss by Appellant							
Dismiss by Appellee							
Amicus Curiae							
Leave to File Supp. Brief							
11/20/81 Stay of Mandate (Appellant)	Appellee	11-25-81	✓		JWH		12-16-81
Recall of Mandate							
4/29/81 <i>not to expedite appeal</i>	See S9						5/12/81

## 9. OTHER DOCKET ENTRIES

## CODE TO ENTRIES

4/30/81	Flg. Order GRANTING <i>appellants</i> motion for stay pending appeal pending further consideration of appellants' motion. Appellees are directed to file a written response by 5/8/81. (JCG, PAK, JWH)	ARG - Argued
5/8/81	Flg. response of appellees to appellants' motion for stay pending appeal.	CE - Clerk's Endorsement
5/11/81	Flg. reply brief of appellants in support of motion for stay pending appeal and for expedited appeal.	E - East Courtroom
5/12/81	Flg. Order that temporary stay granted on 4/30/81 is continued in effect pending appeal. The appeal is expedited and should be calendared for oral argument at the earliest avail. time. The Clerk will set an expedited briefing schedule. (JCG, PAK, JWH)	EB - En Banc Courtroom
		F - Flat
		H - Handwritten
		J - Sent to Judges
		L - Large
		M - Mimeo or Offset
		P - Printed
		PT - Preliminary Type
		S - Small
		S9 - See Section 9
		Sub - Submitted
		T - Typed
		W - West Courtroom

## 10. JUDGMENT OR MANDATE INFORMATION

10-13-81	Bill of Costs - <i>appellants</i>
	Flg. & Entg. Judgment
11-18-82	Issg. Copy of Jdgt. to Bd & Cnsl.
	Jdgt. as Mdt. Issd. to Clerk
	Jdgt. as Mdt. Reissd. to Clerk
11-22-82	Dismissal Issd. to Clerk
	Record on Appeal Retd. to Clerk <i>(4 wgs)</i>
	Exhibits Retd. to Clerk
	Mandate Stayed to

## 11. SUPREME COURT INFORMATION

No. 81-1055

4-09-82 <i>lp</i>	Preparing Proceedings on Certiorari	5 Vols.
	Preparing Supp. Proceedings on Cert.	
	Transmitting Orig. Exhibits to S.C.	
	Order of S.C. - Ext. to	
12-17-81	Notice of Flg. of Cert. Pet. on	12-4-81
2-26-82	Order of S.C. <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Granted	2-22-82
	Notice of Denial of Pet. for Rehearing	
	Opinion of S.C. dated	
	Judgment of S.C.	
11-17-82	Flg. order of S.C. dismissing Pet. as improvidently granted.	



Date

Filings-Proceedings

Date

Filings-Proceedings

6-25-81 MINUTE ENTRY: Court granted counsel for appellees leave to file supplemental brief restricted to opinion in Johnson v. Hood (mentioned at oral argument by appellants' counsel) within 3 days, serving opposing counsel.